

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEVITO VERDI, INC.,

Plaintiff,

-against-

LEGAL SEA FOODS, INC. and LEGAL SEA
FOODS, LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/9/2021

1:21-cv-1007-MKV

ORDER OF DISMISSAL

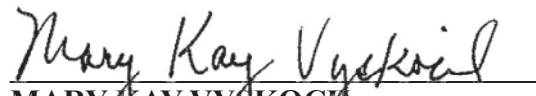
MARY KAY VYSKOCIL, United States District Judge:

Plaintiff filed the Complaint, invoking the Court's diversity jurisdiction, on February 4, 2021 [ECF No. 1], and moved for default judgment on March 22, 2021 [ECF Nos. 10–14]. On April 23, 2021, the Court denied Plaintiff's motion for default judgment, dismissed the Complaint without prejudice for failure to plead subject matter jurisdiction, and granted Plaintiff leave to amend the Complaint. [ECF No. 15.] The Court ordered Plaintiff to file an Amended Complaint on or before May 24, 2021, and warned that "[f]ailure to file an Amended Complaint by that date will result in dismissal of all claims in this case without prejudice and without leave to amend." [*Id.* at 4.] To date, Plaintiff has not filed an Amended Complaint.

Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED WITHOUT PREJUDICE and WITHOUT LEAVE TO AMEND for lack of subject matter jurisdiction. The Clerk of Court is respectfully requested to close the case.

SO ORDERED.

**Date: August 9, 2021
New York, NY**


MARY KAY VYSKOCIL
United States District Judge